

Introduced by Senator Romero

February 20, 2004

An act amend Section 2601 of the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

SB 1768, as introduced, Romero. Inmates.

Existing law provides that persons sentenced to state prison shall have certain civil rights, including the right to inherit, own, sell, or convey real or personal property and to correspond, confidentially, with any member of the state bar or public official, as specified.

This bill would make a technical, nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2601 of the Penal Code is amended to
2 read:

3 2601. Subject only to the provisions of that section, each
4 person described in Section 2600 shall have the following civil
5 rights:

6 (a) Except as provided in Section 2225 of the Civil Code, to
7 inherit, own, sell, or convey real or personal property, including
8 all written and artistic material produced or created by the person
9 during the period of imprisonment. However, to the extent
10 authorized in Section 2600, the Department of Corrections may
11 restrict or prohibit sales or conveyances that are made for business
12 purposes.



1 (b) To correspond, confidentially, with any member of the
2 State Bar or ~~holder of public office~~ *public official*, provided that
3 the prison authorities may open and inspect incoming mail to
4 search for contraband.

5 (c) (1) To purchase, receive, and read any and all newspapers,
6 periodicals, and books accepted for distribution by the United
7 States Post Office. Pursuant to this section, prison authorities may
8 exclude any of the following matter:

9 (A) Obscene publications or writings, and mail containing
10 information concerning where, how, or from whom this matter
11 may be obtained.

12 (B) Any matter of a character tending to incite murder, arson,
13 riot, violent racism, or any other form of violence.

14 (C) Any matter concerning gambling or a lottery.

15 (2) Nothing in this section shall be construed as limiting the
16 right of prison authorities to do the following:

17 (A) Open and inspect any and all packages received by an
18 inmate.

19 (B) Establish reasonable restrictions as to the number of
20 newspapers, magazines, and books that the inmate may have in his
21 or her cell or elsewhere in the prison at one time.

22 (d) To initiate civil actions, subject to a three dollar (\$3) filing
23 fee to be collected by the Department of Corrections, in addition
24 to any other filing fee authorized by law, and subject to Title 3a
25 (commencing with Section 391) of the Code of Civil Procedure.

26 (e) To marry.

27 (f) To create a power of appointment.

28 (g) To make a will.

29 (h) To receive all benefits provided for in Sections 3370 and
30 3371 of the Labor Code and in Section 5069.